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Attorneys for Elissa D. Miller, Chapter 7
Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**STIPULATION AUTHORIZING
PAYMENT AND DISTRIBUTION OF
CLIENT'S SETTLEMENT FUNDS AND
FEES AND EXPENSES TO THE ESTATE
(M. MAURER v. CITY OF LOS
ANGELES)**

[No Hearing Required]

TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:

Elissa D. Miller, the chapter 7 trustee of the bankruptcy estate of Girardi Keese (the "Trustee"), by and through her attorneys, Smiley Wang-Ekvall, LLP, Mary Maurer (the "Client"), and The City of Los Angeles ("the City"), enter into this *Stipulation Authorizing Payment and Distribution of Client's Settlement Funds and Fees and Expenses to the Estate* (the "Stipulation") as follows:

RECITALS

A. On December 18, 2020 (the "Petition Date"), an involuntary chapter 7 bankruptcy petition ("Petition") was filed against Girardi Keese ("Debtor"). As of the filing

1 of the involuntary petition, Debtor was counsel of record in a significant number of
2 matters which were undertaken on a contingency basis.

3 B. The petitioning creditors moved for the appointment of an interim trustee
4 which was granted by the Court by order entered January 5, 2021. The Trustee was
5 appointed as the interim chapter 7 trustee of the bankruptcy estate of Girardi Keese (the
6 "Estate") on January 6, 2021. The order for relief was entered January 13, 2021 and, the
7 same date, the Trustee was reappointed and has been serving in that capacity since.

8 C. Prior to the petition date, Debtor was retained by the Client and
9 commenced an action against the City (the "Litigation"). The Litigation was recently
10 resolved pursuant to a settlement agreement with a release of claims.

11 D. The retention arrangement provided that the Debtor would receive 33 1/3%
12 of the total recovery from its representation of the Client (the "Contingency Fee"), plus
13 costs. The Debtor incurred costs of \$13,787.72 in connection with the Litigation. The
14 Debtor has not been notified of any outstanding liens or unpaid medical bills and by
15 signing below, the Client acknowledges that the Estate is not responsible for any of the
16 Client's potential liens or unpaid medical bills.

17 E. The City is prepared to release the settlement payment (the "Settlement
18 Proceeds") but is requesting an order authorizing it to do so.

19
20 **STIPULATION**

21 In light of the foregoing, the parties stipulate as follows:

22 1. The City is authorized to release the Settlement Proceeds to the Trustee via
23 a check made payable to "Elissa Miller, chapter 7 trustee of the bankruptcy estate of
24 Girardi Keese."

25 2. Once the Settlement Proceeds are deposited by the Trustee and the funds
26 have cleared, the Trustee is authorized and directed to disburse the Settlement Proceeds
27 as follows:

28 (a) \$13,782.72 in costs to the Trustee, on behalf of the Estate;

(b) \$41,666.67 to the Trustee, on behalf of the Estate, for the
Contingency Fee; and

(c) The balance to the Client.

IT IS SO STIPULATED.

November 3,

DATED: ~~July~~ ____, 2021

SMILEY WANG-EKVALL, LLP

By: /s/ Kyra E. Andrassy

KYRA E. ANDRASSY

Attorneys for Elissa D. Miller, Chapter 7
Trustee

DATED: ~~July~~ ____, 2021

THE CITY OF LOS ANGELES

September 7, 2021

By:  Anthony M. Miera

Its: Managing Assistant City Attorney

DATED: July __, 2021

MARY MAURER

SMILEY WANG-EKVALL, LLP

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1 (b) \$41,666.67 to the Trustee, on behalf of the Estate, for the
2 Contingency Fee; and
3 (c) The balance to the Client.
4 **IT IS SO STIPULATED.**
5

6 DATED: July __, 2021 SMILEY WANG-EKVALL, LLP

7 By: _____
8 KYRA E. ANDRASSY
9 Attorneys for Elissa D. Miller, Chapter 7
10 Trustee

11 DATED: ~~July __, 2021~~
12 September 7, 2021

THE CITY OF LOS ANGELES

13 By: Anthony M. Miera
14 Its: Managing Assistant City Attorney

15 DATED: July __, 2021

16 Mary Maurer
17 MARY MAURER
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION AUTHORIZING PAYMENT AND DISTRIBUTION OF CLIENT'S SETTLEMENT FUNDS AND FEES AND EXPENSES TO THE ESTATE (M. MAURER v. CITY OF LOS ANGELES)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 3, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) November 3, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 3, 2021
Date

Gabriela Gomez-Cruz
Printed Name

/s/ Gabriela Gomez-Cruz
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

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